IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7949 OF 2005

Shri B. R. Arya ..Petitioner

versus

Union of India & Anr. ..Respondents

None for the Petitioner.

Mrs. S. Bharucha with Shri N. D. Sharma for the Respondents.

CORAM : R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATE : 22ND AUGUST, 2006

P.C. :

1. None present for the Petitioner. Mrs. S. Bharucha for the Respondents present.

2. When the matter had come up for hearing on 19.8.2006, the matter was adjourned to this date at the request of the learned Advocate for the Petitioner.

3. In the present petition, the Petitioner is challenging the Order dated 31.3.2005 passed by the

Respondents rejecting the request for retaining the family accommodation which was granted to the petitioner. Undisputedly, the petitioner has been transferred out of Mumbai Region and therefore in terms of the provisions of law applicable to the Petitioner, he was required to surrender the family accommodation within the specified time and the petitioner has not surrendered the family accommodation till this date nor has paid the penal rent after the expiry of the specified period.

4. Since the provisions applicable to the service conditions to the Petitioner do not entitle the Petitioner as a matter of right to retain the family accommodation in Mumbai once he is transferred beyond the Mumbai Region, no fault can be found in the impugned order and no case is made out for allowing the Petitioner to retain the family accommodation within Mumbai Region. Hence, the Petition is rejected.

(R.M.S. KHANDEPARKAR, J.)

(NARESH H. PATIL, J.)